

**IN UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GERTRUDE ANITA BROADWAY,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 2:10-cv-02898-JPM-tmp
FEDERAL EXPRESS,)	
)	
Defendant.)	

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGEMENT**

Plaintiff Gertrude Anita Broadway, by and through undersigned counsel, for her Response to Defendant's Motion for Summary Judgment, states:

1. Defendant is not entitled to summary judgment on Plaintiff's race based upon any arguments advanced in its Motion for Summary Judgment and other supporting documents.
2. Plaintiff filing contemporaneously with her Response the following papers:
 - a) Plaintiff's Brief in Support of Response in Opposition to Motion for Summary Judgment;
 - b) Plaintiff's Response to Defendant's Rule 56.1 Statement of Undisputed Facts Filed in Support of Defendant's Motion for Summary Judgment; and
 - c) Plaintiff's Statement of Material Undisputed Facts.

2. Plaintiff is filing the following exhibits in support of her Response:

- Exhibit 1 – Declaration of Plaintiff Anita Broadway
- Exhibit 1a – Deposition Excerpts – Anita Broadway
- Exhibit 2 – Deposition Excerpts – Sean Healy
- Exhibit 3 – Deposition Excerpts – Robert Bennett
- Exhibit 3a – Bennett Declaration page 2
- Exhibit 4 – Deposition Excerpts – William “Trip” Jones
- Exhibit 5 – Deposition Excerpts – Mary Davin
- Exhibit 6 – Deposition Excerpts – Rachel Riley
- Exhibit 7 – Deposition Excerpts – Brian Faughnan
- Exhibit 8 – Deposition Excerpts – Dianne Watkins Jackson
- Exhibit 9 – Declaration of Dianne Watkins Jackson
- Exhibit 10 - Exhibit 10 – Declaration of Mike Odigie
- Exhibit 11- Declaration of Cherita Carpenter
- Exhibit 12 – Summary of Performance Evaluations – Broadway
- Exhibit 13 – 2008 Evaluation Excerpts – Antonio Pittman
- Exhibit 13 a – 2009 Evaluation Excerpts – Antonio Pittman
- Exhibit 14 – 2007 Evaluation Excerpts – Joane Hardy
- Exhibit 14 a – 2008 Evaluation Excerpts – Joane Hardy
- Exhibit 14 b – 2009 Evaluation Excerpts – Joane Hardy
- Exhibit 15 – 2007 Evaluation Excerpts – Mark Guyton
- Exhibit 15a – 2009 Evaluation Excerpts – Mark Guyton
- Exhibit 16 – 2007 Evaluation Excerpts – Teresa Brignole

Exhibit 17 – 2009 Evaluation Excerpts – Rachel Riley

Exhibit 17 a – 2010 Evaluation Excerpts Rachel Riley

Exhibit 18 – Broadway GFTP/EEO dated 4/5/2006

Exhibit 18 a – Email dated 6/22/06 from Broadway to Banks

Exhibit 19 – Odigie EEO findings dated 7/28/2008 w/letter

Exhibit 20 – Odigie EEO findings dated 6/12/2009

Exhibit 21 – Odigie EEO findings dated 7/20/2010

Exhibit 22 – Email dated 4/3/2009 from K King

Exhibit 23 – Email dated 4/5/09 from W Jones

Exhibit 23 a – Email dated 4/6/09 from Jones to Lott re Broadway

Exhibit 24 – Email dated 5/28/09 with severed people list

Exhibit 25 – Email strand from Davin dated 6/5/2009

Exhibit 26 – Email strand from Davin dated 6/5/2009 – 9:23 a.m.

Exhibit 27 – Email from Jones to Davin dated 6/18/09

Exhibit 28 – Email from Davin to Batts dated 7/23/2009

Exhibit 29- Email from Healy to Davin dated 9/28/09

Exhibit 30 – Booz Plan (Timeline)

Exhibit 31 – Watkins-Jackson Summary of EEO Charge vs. Healy

Exhibit 32 – Watkins Jackson EEO findings dated 5/9/2008

Exhibit 33 – Emails from HR (Davin) re practices

Exhibit 34 – Email strains from Trip Jones dated 5/21/2008

Exhibit 35 – Email from Batts to Davin dated 9/30/10

Exhibit 36 – Summary of Watkins evaluations

Exhibit 37 – Selection Criteria – 3/9/2009

Exhibit 38 – 2008 Evaluation – Anita Broadway

Exhibit 38 a – 2009 Evaluation – Anita Broadway

Exhibit 39 – Letter dated 4/20/2009 from Broadway to CEO Smith

Exhibit 40 – Broadway Internal EEO dated 5/4/2009

Exhibit 41 – Broadway Responses to EEO questions

Exhibit 42 – Posting for Business Strategist position 5/22/09

Exhibit 42a – Letter dated 5/28/09 from Broadway to Bennett

Exhibit 43 – Realignment Bid Questions and Answers 4/3/09

Exhibit 44 - Faughnan Findings re Broadway's EEO 5/4/09

Exhibit 45 – Job posting for Engineering Positions

WHEREFORE, Plaintiff Gertrude Anita Broadway respectfully requests
that the Court deny Defendant's Motion for Summary Judgment in its entirety and grant
all other appropriate relief.

Respectfully submitted,

/s/John W. Walker
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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2012, a true and correct copy of
the foregoing was filed and served electronically with the Clerk of Court by using the
CM/ECF system which will send a notice of electronic filing to the following:

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/s/ John W. Walker